

AMENDED IN ASSEMBLY JANUARY 19, 2010

AMENDED IN ASSEMBLY JULY 13, 2009

AMENDED IN SENATE APRIL 14, 2009

SENATE BILL

No. 205

Introduced by Senator Hancock

February 23, 2009

An act to ~~add Section 65089.20 to the Government Code, and to add Section 9250.4 to the Vehicle Code, relating to traffic congestion; amend the heading of Article 1 (commencing with Section 12000) of Chapter 1 of Part 8 of Division 1 of Title 1 of, and to add Section 12001.5 to, the Education Code, relating to education finance.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 205, as amended, Hancock. ~~Traffic congestion: motor vehicle registration fees. Education finance: federal tax credit bond volume cap.~~

Existing federal law authorizes the Internal Revenue Service to publish the maximum face value amount of qualified school construction bonds, as defined, that may be allocated by the United States Department of the Treasury to each state pursuant to the federal American Recovery and Reinvestment Act of 2009.

This bill would assign specified amounts of the state's 2009 federal tax credit bond volume cap to the State Department of Education and the California School Finance Authority. The bill would exempt the assignment and distribution of the federal tax credit bond volume cap under the bill from the rulemaking provisions of the Administrative Procedure Act.

Existing law provides for the imposition by certain districts and local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles for specific limited purposes.

The bill would authorize a countywide transportation planning agency, by a majority vote of the agency's board, to impose an annual fee of up to \$10 on motor vehicles registered within the county for programs and projects for certain purposes. The bill would require voter approval of the measure. The bill would require the department, if requested, to collect the additional fee and distribute the net revenues to the agency, after deduction of specified costs, and would limit the agency's administrative costs to not more than 5% of the distributed fees. The bill would require that the fees collected may only be used to pay for programs and projects bearing a relationship or benefit to the owners of motor vehicles paying the fee and are consistent with a regional transportation plan, and would require the agency's board to make a specified finding of fact in that regard. The bill would require the governing board of the countywide transportation planning agency to adopt a specified expenditure plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Article 1 (commencing with
2 Section 12000) of Chapter 1 of Part 8 of Division 1 of Title 1 of
3 the Education Code is amended to read:

4
5 Article 1. ~~No Agency Designated Allocation of Federal Funds~~
6 and Federal Tax Credit Bond Volume Cap

7
8 SEC. 2. Section 12001.5 is added to the Education Code, to
9 read:

10 12001.5. (a) The Legislature hereby finds and declares that
11 the federal tax credit bond volume cap for qualified school
12 construction bonds designated for the state by the federal American
13 Recovery and Reinvestment Act of 2009 (Public Law 111-5),
14 together with Internal Revenue Service Notice 2009-35 issued

1 *pursuant thereto, does not constitute federal moneys, federal funds,*
2 *or funds of any kind for any purpose under this code.*

3 *(b) There is hereby assigned to the State Department of*
4 *Education, seven hundred million dollars (\$700,000,000) of the*
5 *state's 2009 federal tax credit bond volume cap for qualified school*
6 *construction bonds, to be further assigned and distributed to or*
7 *for the benefit of school districts and county offices of education*
8 *in the state, as the State Department of Education shall determine.*

9 *(c) There is hereby assigned to the California School Finance*
10 *Authority, established pursuant to Section 17172, seventy-three*
11 *million five hundred forty-five thousand dollars (\$73,545,000) of*
12 *the state's 2009 federal tax credit bond volume cap for qualified*
13 *school construction bonds, to be issued for the benefit of charter*
14 *schools, or to be further assigned and distributed to one or more*
15 *issuers in the state for the benefit of charter schools, as the*
16 *authority shall determine.*

17 *(d) (1) Any of the state's 2009 federal tax credit bond volume*
18 *cap for qualified school construction bonds assigned to the State*
19 *Department of Education pursuant to subdivision (b) that has not*
20 *resulted in the issuance of qualified school construction bonds by*
21 *December 31, 2009, shall be added to the state's volume cap for*
22 *2010, in accordance with subsection (e) of Section 54F of the*
23 *Internal Revenue Code, and assigned as set forth in this section.*
24 *Those districts and county offices of education that received an*
25 *assignment from the State Department of Education by December*
26 *31, 2009, and notification from the State Department of Education*
27 *that they were granted an extension to issue bonds through March*
28 *31, 2010, shall have an additional 120 days from the effective date*
29 *of this legislation to issue bonds.*

30 *(2) Any of the state's federal tax credit bond volume cap for*
31 *qualified school construction bonds originally assigned to the*
32 *State Department of Education in 2009 pursuant to subdivision*
33 *(b) that does not result in the issuance of qualified school*
34 *construction bonds within 120 days from the effective date of this*
35 *legislation shall revert to the state, and shall be reallocated in*
36 *accordance with the process established pursuant to state law for*
37 *allocating the 2010 federal tax credit bond volume cap for qualified*
38 *school construction bonds.*

39 *(e) (1) Any of the state's 2009 federal tax credit bond volume*
40 *cap for qualified school construction bonds assigned to the*

1 *California School Finance Authority pursuant to subdivision (c)*
2 *that has not resulted in the issuance of qualified school*
3 *construction bonds by December 31, 2009, shall be added to the*
4 *state's volume cap for 2010, in accordance with subsection (e) of*
5 *Section 54F of the Internal Revenue Code, and allocated as set*
6 *forth in this section. Any charter school that received an allocation*
7 *from the California School Finance Authority prior to December*
8 *31, 2009, shall retain its allocation pursuant to the resolution of*
9 *the California School Finance Authority.*

10 (2) *Any of the state's federal tax credit bond volume cap for*
11 *qualified school construction bonds originally allocated to the*
12 *California School Finance Authority in 2009 pursuant to*
13 *subdivision (c) that does not result in the issuance of qualified*
14 *school construction bonds by December 31, 2010, shall be retained*
15 *by the California School Finance Authority, and reallocated in*
16 *accordance with the qualified school construction bond parameters*
17 *established by the California School Finance Authority.*

18 (f) *Notwithstanding any other provision of law, in order to*
19 *further the purposes of the federal American Recovery and*
20 *Reinvestment Act of 2009, and allow school districts to issue*
21 *federal tax credit bonds as expeditiously as possible, the*
22 *assignment and distribution of the federal tax credit bond volume*
23 *cap by the State Department of Education and the California*
24 *School Finance Authority under this section are exempt from the*
25 *rulemaking provisions of the Administrative Procedure Act*
26 *(Chapter 3.5 (commencing with Section 11340) of Part 1 of*
27 *Division 3 of Title 2 of the Government Code).*

28 (g) *Any actions taken with regard to and distributions of federal*
29 *tax credit bond volume cap made by the State Department of*
30 *Education or the California School Finance Authority pursuant*
31 *to this section with respect to the state's federal tax credit bond*
32 *volume cap are hereby ratified and approved.*

33 ~~SECTION 1. (a) The Legislature finds and declares all of the~~
34 ~~following:~~

35 ~~(1) Motor vehicle congestion negatively impacts businesses and~~
36 ~~commuters, inhibits the efficient movement of goods, and elevates~~
37 ~~pollutants that impact the quality of the state's air.~~

38 ~~(2) There are transportation improvements that will reduce~~
39 ~~congestion, including those that improve signal coordination,~~
40 ~~traveler information systems, intelligent transportation systems,~~

1 highway operational improvements, and public transit service
2 expansions.

3 (3) There are measures available to lessen the impact of motor
4 vehicle-related pollution, including congestion management
5 programs, stormwater runoff best management practices, and
6 transportation control measures aimed at reducing air pollution.

7 (b) It is the intent of the Legislature to establish a program that
8 allows countywide transportation planning agencies or their
9 counterparts to address congestion through transportation services
10 and improvements and to mitigate the impacts of motor vehicles
11 on air and water quality, and improve the business climate and
12 natural environment.

13 SEC. 2. Section 65089.20 is added to the Government Code,
14 to read:

15 65089.20. (a) A countywide transportation planning agency
16 may place a majority vote ballot measure before the voters of the
17 county to authorize an increase in the fees of motor vehicle
18 registration in the county for transportation-related projects and
19 programs described in this chapter. The agency may impose an
20 additional fee of up to ten dollars (\$10) on each motor vehicle
21 registered within the county. The ballot measure resolution shall
22 be adopted by a majority vote of the governing board of the
23 countywide transportation planning agency at a noticed public
24 hearing. The resolution shall also contain a finding of fact that the
25 projects and programs to be funded by the fee increase have a
26 relationship or benefit to the persons who will be paying the fee;
27 and the projects and programs are consistent with the regional
28 transportation plan adopted pursuant to Section 65080. The finding
29 of fact shall require a majority vote of the governing board at a
30 noticed public hearing.

31 (b) The ballot measure described in subdivision (a) shall be
32 submitted to the voters of the county and if approved by the voters
33 in the county, the increased fee shall apply to the original vehicle
34 registration occurring on or after six months following the adoption
35 of the measure by the voters and to a renewal of registration with
36 an expiration date on or after that six-month period.

37 (c) (1) The governing board of the countywide transportation
38 planning agency shall adopt an expenditure plan allocating the
39 revenue to transportation-related programs and projects that have
40 a relationship or benefit to the persons who pay the fee. The

1 ~~transportation-related programs and projects include, but are not~~
2 ~~limited to, programs and projects that have the following purposes:~~

3 ~~(A) Providing matching funds for funding made available for~~
4 ~~transportation programs and projects from state general obligation~~
5 ~~bonds.~~

6 ~~(B) Creating or sustaining congestion mitigation programs and~~
7 ~~projects.~~

8 ~~(C) Creating or sustaining pollution mitigation programs and~~
9 ~~projects.~~

10 ~~(2) For the purposes of paragraph (1), the following terms have~~
11 ~~the following meanings:~~

12 ~~(A) “Congestion mitigation programs and projects” include, but~~
13 ~~are not limited to, programs and projects identified in an adopted~~
14 ~~congestion management program or county transportation plan;~~
15 ~~projects and programs to manage congestion, including, for~~
16 ~~example, high-occupancy vehicle or high-occupancy toll lanes;~~
17 ~~improved transit services through the use of technology and bicycle~~
18 ~~and pedestrian improvements; improved signal coordination,~~
19 ~~traveler information systems, highway operational improvements,~~
20 ~~and local street and road rehabilitation; and transit service~~
21 ~~expansion.~~

22 ~~(B) “Pollution mitigation programs and projects” include, but~~
23 ~~are not limited to, programs and projects carried out by a~~
24 ~~congestion management agency, a regional water quality control~~
25 ~~board, an air pollution control district, an air quality management~~
26 ~~district, or another public agency that is carrying out the adopted~~
27 ~~plan of a congestion management agency, a regional water quality~~
28 ~~control board, an air pollution control district, or an air quality~~
29 ~~management district.~~

30 ~~(d) Not more than 5 percent of the fees distributed to a~~
31 ~~countywide transportation planning agency shall be used for~~
32 ~~administrative costs associated with the programs and projects.~~

33 ~~(e) For purposes of this section, “countywide transportation~~
34 ~~planning agency” means the congestion management agency~~
35 ~~created pursuant to Chapter 2.6 (commencing with Section 65088)~~
36 ~~or the agency designated pursuant to Section 66531 to submit the~~
37 ~~county transportation plan.~~

38 ~~SEC. 3. Section 9250.4 is added to the Vehicle Code, to read:~~

39 ~~9250.4. (a) The department shall, if requested by a countywide~~
40 ~~transportation planning agency, collect the fee imposed pursuant~~

1 to Section 65089.20 of the Government Code upon the registration
2 or renewal of registration of a motor vehicle registered in the
3 county, except those vehicles that are expressly exempted under
4 this code from the payment of registration fees.

5 (b) The countywide transportation planning agency shall pay
6 for the initial setup and programming costs identified by the
7 department through a direct contract with the department. Any
8 direct contract payment by the board shall be repaid, with no
9 restriction on the funds, to the countywide transportation planning
10 agency as part of the initial revenues available for distribution.

11 (c) (1) After deducting all costs incurred pursuant to this section,
12 the department shall distribute the net revenues pursuant to
13 subdivision (a) of Section 65089.20 of the Government Code.

14 (2) The costs deducted under paragraph (1) shall not be counted
15 against the 5-percent administrative cost limit specified in
16 subdivision (d) of Section 65089.20 of the Government Code.